

ORDINANCE NO. 1222-2024

AN ORDINANCE: OF THE VILLAGE OF ELIDA, OHIO AUTHORIZING DEMOLITION OF UNSAFE BUILDINGS AND DECLARING AN EMERGENCY

Vote	1 st	2 nd	3 rd
Jon T. Jenkins	—	Y	Y
John Heltman	Y	Y	Y
Mike Campbell	—	Y	—
Rhonda McCoy	Y	—	Y
Burlin Sherrick	Y	Y	Y
Ken Hall	Y	Y	Y
Darryl Nichols, Mayor			
Total	4-0	5-0	5-0

Whereas, the Council of the Village of Elida, Ohio met at a duly called and authorized meeting of the Council, such meeting being duly called pursuant to the rules of Council, with notice received by all Council members.

Whereas, it is desirable for the Village of Elida, Ohio to take down unsafe, unsecure, or structurally defective.

Whereas, the Council of the Village of Elida, by an affirmative vote of three fifths of the members elected, approved Ordinance # 1222-2024.

WHEREAS, an emergency now exists to protect the safety, health, and/or welfare of the public and that the rules be suspended.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ELIDA, OHIO, BY A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING:

Section 1. Definitions; nuisance

All buildings or structures needing repair, or which are structurally defective or unsafe, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human safety, or which in relation to existing use constitute a health hazard by reason of inadequate maintenance, dilapidation, or obsolescence are "unsafe buildings," and declared to be public nuisances, and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this.

Section 2. Notice to Owner

The Fire Chief of American Township shall examine or cause to be examined every building or structure or portion thereof reported or believed to be an unsafe building. At least thirty days prior to the repair or removal of an unsafe building, the Administrator shall give written notice by certified mail of his or her intention to repair or remove the building to the record title holders and lienholders of the property. If an emergency exists, notice may be given by other means less than thirty days prior to repair or removal.

Section 3. Agreement to repair or remove

The record title holders and lienholders of the property may enter into an agreement with the Village to perform the repair or removal of an unsafe building.

Section 4. Posting of signs.

The American Township Fire Chief shall cause to be posted a notice at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. DIVISION OF BUILDING REGULATION, VILLAGE OF ELIDA, OHIO." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person to remove such notice without permission of the named people herein or for any person to enter the building, except for the purpose of making the required repairs or of demolishing same.

Section 5. Permits

In all cases of construction or repair pursuant to order of the American Township Fire Chief, permits covering such work shall be obtained as required by other sections of coding from the Village.

Section 6. Right to demolish

In case the owner of record, or the purchaser under a land contract if that be the case, shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or demolish and remove such building or structure or portion thereof, such party, either the owner of record or the purchaser under land contract, shall be subject to the penal provisions of this ordinance and the American Township Fire Chief shall proceed to have the building or structure or portion thereof demolished and removed from the premises, leaving the premises in a clean, safe, and sanitary condition, and the cost of such work shall be paid by the Village. If the Village is not immediately reimbursed for

such costs, the total cost as defined in RC 715.261(A) shall be collected as provided in RC 715.261(B)(1) or (2).

Section 7. Unsafe conditions; reports.

Any owner, manager, lessee or occupant of a building who discovers or who has reason to believe that there exists, on the premises, a condition which may endanger other property or the life or limb of any person, and such condition cannot be immediately remedied so as to remove any danger therefrom, shall, within twenty-four hours after such discovery, report the existence of such dangerous condition to the Administrator, who shall forthwith take such steps as may be necessary to protect the public safety and welfare.

Section 8. Appeal rights

(1) If the American Township Fire Chief, pursues action to remove any insecure, unsafe, or structurally defective building or other structure, the notice shall include a statement informing the parties in interest that each party in interest is entitled to a hearing if the party in interest requests a hearing in writing within thirty days after the notice was mailed. The written request for a hearing shall be made to the Village's fiscal officer.

(2) If a party in interest timely requests a hearing, the board shall set the date, time, and place for the hearing and notify the party in interest by certified mail, return receipt requested. The date set for the hearing shall be within fifteen days, but not earlier than seven days, after the party in interest has requested a hearing, unless otherwise agreed to by both the board and the party in interest. The hearing shall be recorded by stenographic or electronic means.

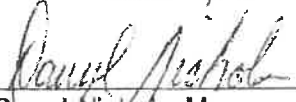
(3) The board shall make an order deciding the matter not later than thirty days after a hearing, or not later than thirty days after mailing notice to the parties in interest if no party in interest requested a hearing. The order may dismiss the matter or direct the removal, repair, or securance of the building or other structure. At any time, a party in interest may consent to an order.

Section 9. That the Council of the Village of Elida, Ohio hereby finds that all discussion and debate regarding the matter was conducted in open session of council pursuant to the provisions of the Ohio Revised Code.

Section 10. That the Council of the Village of Elida, Ohio authorizes the Fiscal Officer to make publication and approval from the earliest period prescribed by law.

Section 11. That the Council of the Village of Elida, Ohio under suspension of the rules, declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, welfare and morals, such emergency arising out of necessity for the administration of the Village of Elida, Ohio without due delay: wherefore this Resolution shall take effect and be in full force from and after its passage and approval by the Mayor.

Adopted May 14, 2024,




Darryl Nichols, Mayor

Attest:



Sandy L Langhals, Clerk and Fiscal Officer

Approved as to form:



Barry Schroeder, Village Solicitor